similarity of the two cases, and criticises the decisions allowing mutual actions to prize-fighters.

TORTS — MALICIOUS PROSECUTION OF A CIVIL ACTION. — *Held*, an action will lie for malicious prosecution of a civil suit without arrest of the person or attachment of property. *Lipscomb* v. *Shofner*, 33 S. W. Rep. 818 (Tenn.). See NOTES.

VOLUNTARY ASSOCIATIONS — RESIGNATION. — The defendants were the governing committee of an association formed to provide for the legal assistance of the members when necessary, and the plaintiff sought an injunction to prevent them from depriving him of membership. The plaintiff had offered his resignation, but had withdrawn it before any action was taken. No club rule on resignation existed. *Held*, (by Court of Appeal), assuming there was jurisdiction, the notification by the plaintiff when received by the committee was an election to resign, from which he could not retreat. *Finch* v. *Oake*, 12 *The Times* Law Reports, 156.

The English courts do not recognize voluntary associations as such. *Hector* v. *Flemyng*, 2 M. & W. 172. But they recognize that a relationship of some kind exists among the members by uniformly entertaining suits to prevent expulsions contrary to the club rules or the laws of the land. *Labouchere* v. *Earl of Wharncliffe*, 13 Ch. D. 346; *Baird* v. *Wells*, 44 Ch. D. 661, 670; and compare *Rigby* v. *Connol*, 14 Ch. D. 482. No authority on the precise point has been found, and the court mentions none. The decision, however, is probably correct, making the relation of a member to the organization like that of a party to a contract terminable on notice, or perhaps that of a continuing guarantor. *Offord* v. *Davies*, 12 C. B. N. S. 748. If a provision is made by the rules that a resignation must be accepted to be complete, that of course settles the matter, and possibly, in an organization distinctly social, that provision might be considered to be impliedly assented to by the members.

REVIEWS.

THE WORKS OF JAMES WILSON. Edited by James DeWitt Andrews. Chicago: Callaghan & Co. 1896. 2 vols. pp. xlvi, v, 577, 623.

The present edition in two large volumes, in clear type, with copious notes and index, is in striking contrast to the three modest little octavo volumes, containing merely the unembellished text of Mr. Justice Wilson's writings, which formed the original edition of 1804. The lectures which are collected in these volumes are those which the author prepared, and in great part delivered, at the University of Pennsylvania in the years 1790–91 and 1791–92. He had contemplated a three years' course; but his third series of lectures was never even prepared, so that his published work fails to cover the whole framework of the law. In addition to the lectures, there are included in this edition, as in the former one, his speech in defence of the Constitution before the Pennsylvania Convention (1787), his masterly argument on the power of Congress under the Articles of Confederation to incorporate the Bank of North America, together with one or two other speeches, and fragments of essays. Several speeches published in the original edition are justly deemed of insufficient importance to justify reprinting.

The value of his work is chiefly historical. The fact that his scheme of lectures was never completed, and the additional fact that his arrangement and treatment is colored by his training in the civil law, militate of course against its use as a text-book. Its historical value lies chiefly in the author's attitude on certain constitutional questions. He anticipated by many years the conclusions reached by the United States Supreme Court as to the nature of a grant of land and of a corporate charter, and, what is most to his credit, he had already taken the position, more than

three quarters of a century before the Legal Tender Cases were decided, that the United States, even under the Articles of Confederation, were invested with powers which were inherent in sovereign nations, and impossible of exercise by any individual State, although not granted by the Articles. As authority for these propositions, the book is superseded by United States Supreme Court decisions; but as an exemplification of the views held by the framers of our Constitution as to its proper interpretation, and so as a basis for the later decisions, it must remain valuable.

Little fault is to be found with the substance of Mr. Andrews's work as editor. He spares us unnecessary notes, and his notes where inserted are helpful, and properly appreciative of the scope and importance of the author's propositions. The main body of the text bears testimony to careful proof-reading; but not infrequently typographical errors mar the foot-notes; and exception may be taken to such vague references as "See Pollock Maitland's [*sic*] History of the English Laws" (vol. i. p. 440); and "See Appendix" (vol. i. p. 545), where the appendix meant is that at the end of the second volume. E. R. C.

THE LAND LAWS. By Sir Frederick Pollock, Bart. Third Edition. Macmillan & Co., London and New York. 1896. pp. x, 233.

To those who have read the book in the past this new edition will surely be welcome. For those who have yet to make its acquaintance, there is a fresh delight in store. Sir Frederick Pollock has a faculty for investing the driest of matters with interest. Take for example his amusing yet accurate account of "suffering a recovery," where Brian and Littleton are in colorable litigation, and Catesby, the so-called "vouchee," accommodatingly ends the affair by surreptitiously "departing in contempt of court." A student could not desire a more agreeable introduction to the technical treatises on the law of real property; nor need the lay reader fear longer to find the subject of land laws "caviare to the general."

The important changes from former editions include a thorough revision of the chapter on "Early Customary Law," and the addition of a note dealing with the "Origins of the Manor" in the light of recent research. In this note, Sir Frederick commits himself to neither the "villa" nor the Germanic theory. The alterations in the account of early customary law were made necessary by a frank change of attitude as to the nature of "folk-land." It is no longer described as *ager publicus*, land held by the nation for public purposes, (see 1st ed., p. 20,) but rather as "land held by folk-right or customary law," in contrast to "book-land," which was "held in several property under the express terms of a written instrument." Strangely enough, this view is a return to one advanced two hundred years ago, and owes its present acceptance to the researches of a Russian, Mr. Vinogradoff.

Very naturally, there are many additions to the chapter on "Modern Reforms and Prospects." Several recent statutes are described, noticeably the copyhold act of 1894. The Torrens Land Transfer System is dealt with very briefly and in a non-committal way, though it is quite evident that in so far as the system does away with the possibility of "adverse possession" of registered land, and the operation of the statute of limitations, it is displeasing to the author. The abolition of primogeniture, and a radical simplification of the law governing the settlement of estates, are said to be prospects the realization of which is not far off. In